

REMARKS

A. Claims

Claim 78 was cancelled. Claim 96 was added. Claims 72-77 and 79-96 are pending.

B. 35 U.S.C. §102 Rejections

The Office Action rejected claims 72-80, 82-86, 88-90, and 92-93 under 35 U.S.C. 102(e) as being anticipated by Derrico et al. (U.S. Publication 2002/0078290) (hereinafter “Derrico”). Applicant respectfully disagrees with these rejections.

Applicant respectfully reminds the Examiner that the standard for “anticipation” is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed.Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed.Cir. 1985).

Derrico does not appear to disclose, teach, or suggest at least “a carrier including a carrier enclosure... and... a blade enclosure with two opposing side faces, a front edge face, a rear edge face, an upper edge face and a lower edge face (emphasis added)” as recited in claim 72. The Examiner points to figure 1 of Derrico for this teaching, but Derrico does not appear to show or describe at least a “blade enclosure”. For example, the figures and description in Derrico do not appear to describe a carrier enclosure and a blade enclosure around the CPU module pointed to by the Examiner. Applicant also respectfully asserts that the blade enclosure is not obvious.

Derrico also does not disclose, teach, or suggest at least “wherein the blade enclosure includes at least one ventilation opening on each of the front and rear edge faces to permit a flow of cooling air through the blade enclosure between the front and rear edge faces (emphasis added)” as recited in claim 72. The Examiner points to the CPU modules of Derrico, however, as Derrico does not appear to teach a blade enclosure, Derrico also does not appear to teach at least one ventilation opening for cooling air through the blade enclosure.

Applicant respectfully asserts claim 72 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejections to the claims.

While Derrico does not anticipate the claims for at least the above reasons, Applicant respectfully notes that Derrico was filed after Applicant's earliest priority date and, therefore, if the Examiner continues to rely on Derrico, Applicant respectfully requests a copy of the provisional Derrico claims priority to in order to determine if the Derrico patent is supported by the provisional.

C. 35 U.S.C. §103 Rejections

Claim 81

The Office Action rejected claim 81 under 35 U.S.C. §103(a) as being unpatentable over Derrico. Applicant respectfully disagrees with these rejections.

Applicant respectfully asserts claim 81 is at least allowable as dependent on patentably distinct claim 72 for the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to the claims.

Claims 87 and 94-95

The Office Action rejected claims 87 and 94-95 under 35 U.S.C. §103(a) as being unpatentable over Derrico in view of Schwegler et al. (U.S. Patent No. 5,473,507) (hereinafter "Schwegler"). Applicant respectfully disagrees with these rejections.

Applicant respectfully asserts claims 87 and 94-95 are at least allowable as dependent on patentably distinct claim 72 for the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to the claims.

Claim 91

The Office Action rejected claim 91 under 35 U.S.C. §103(a) as being unpatentable over Derrico in view of O'Sullivan et al. (U.S. Patent No. 6,061,244) (hereinafter "O'Sullivan"). Applicant respectfully disagrees with these rejections.

Applicant respectfully asserts claim 91 is at least allowable as dependent on patentably distinct claim 72 for the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to the claims.

D. New Claims

Applicant respectfully asserts the cited art does not disclose, teach, or suggest at least “wherein the midplane comprises at least one ventilation opening” as recited in new claim 96 in combination with independent claim 72. Applicant respectfully asserts claim 96 is allowable for at least the above reasons.

E. Summary

Based on the above, Applicant submits that all of the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5681-03702/BNK.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russell Henrichs", written in a cursive style.

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